IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.753 OF 2007

1.Rhudaynath Waman Desale,
2.Sunil Balkrishna Raut,
3.Gaurav Balkrishna Raut,
4.Ankush Anant Bhoir,
5.Ankush Daji Alam, &
6.Gurunath Waman Desale. ...Applicants.

Versus

The State of Maharashtra ...Respondent.

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Mr.Rahul S. Kate with Mr.R.D.Suryawanshi, Adv. for the Applicants.

Mr.K.V.Saste, APP, for the State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 28th March, 2007.

P.C.:

1. Heard the learned Advocate for the Applicants and the learned APP for the State.

2. The applicants are seeking bail in C.R.No.I-176 of 2006 of Murbad Police Station. The said case is mainly under Section 307 of IPC.

3. As far as applicant No.6 is concerned, the learned Advocate for the applicant states that he

is not pressing this application in respect of applicant No.6 and seeks liberty to file separate application annexing relevant documents. Liberty as prayed for is granted. Hence this application is being heard and disposed of only in respect of applicant Nos.1 to 5.

4. It is the prosecution case that the applicants along with 11 others assaulted the complainant - Gurunath Gharat and Ulhas Gharat. The complainant has named applicant Nos.1,2 & 6 in his complaint. As far as applicant No.1 is concerned, the complainant has stated that applicant No.1 assaulted him on the head with an iron rod. The complainant sustained four injuries. One of them is deep injury on forehead (lt.) side 6" X 4" X 3". As far as applicant No.2 is concerned, the complainant has stated that this applicant assaulted Ulhas with an iron rod. Ulhas sustained four injuries. One of the injuries has caused frontal subdural hematoma. On account of this head injury Ulhas had bleeding from his nose as well as his ear. Ulhas has also sustained fracture injury. Hence, as far as applicant Nos.1 & 2 are concerned, I am not inclined to grant bail

to them at this stage. Their application for bail is rejected.

5. As far as applicant Nos.3, 4 & 5 are concerned they have not been named in the FIR. Moreover no specific role has been attributed to them by any witness. Hence, I am inclined to grant bail to applicant No.3 Gaurav Balkrishna Raut, applicant No.4 Ankush Anant Bhoir and applicant No.5 Ankush Daji Alam.

6. The applicant No.3 Gaurav Balkrishna Raut, applicant No.4 Ankush Anant Bhoir and applicant No.5 Ankush Daji Alam to be released on bail in the sum of Rs.20,000/- each with one or two sureties to make up the said amount. They shall report to Murbad Police Station, once in a week.

7. Application is disposed of accordingly.

(SMT.V.K.TAHILRAMANI,J.)